

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DESHON HOLLOWAY,

Plaintiff,

v.

9:05-CV-0501
(GLS)(RFT)

DONALD SELSKY, Director of Special Housing;
THOMAS RICKS, Superintendent; JOHN DONELLI,
Deputy Superintendent; CURTIS DROWN,
Commissioner Hearing Officer,

Defendants.

APPEARANCES:

DESHON HOLLOWAY
Plaintiff, *pro se*
96-A-8863
Clinton Correctional Facility
P.O. Box 2001
Dannemora, New York 12929

RANDOLPH F. TREECE, MAGISTRATE JUDGE

ORDER

The Clerk has sent to the Court a civil rights Complaint filed by *pro se* Plaintiff Deshon Holloway, who is currently incarcerated at Clinton Correctional Facility.¹ Dkt. No. 1, Compl. Plaintiff has also filed an Application to Proceed *In Forma Pauperis* and an inmate authorization form. Dkt. Nos. 2-3.

In his Complaint, Plaintiff alleges that he was issued five separate misbehavior reports in February, March, and April of 2002, while Plaintiff was incarcerated at Upstate Correctional Facility. Compl. at ¶¶ 13, 27, 38, 48, & 61. Plaintiff asserts due process violations arising out of

¹ Plaintiff has filed two other actions in this District. *See Holloway v. Goord, et al.*, 9:03-CV-1524 (LEK/RFT); *Holloway v. Mitchell-Oddey, et al.*, 9:05-CV-0206 (LEK/DRH).

the subsequent disciplinary hearings, including that he was not permitted to attend any of the hearings. *Id.* at ¶¶ 15, 30, 41, 51, & 64. According to Plaintiff, at each of the hearings he was found guilty of the charges and sentenced to varying lengths of a restricted diet or confinement in the Special Housing Unit. *Id.* at ¶¶ 17, 32, 43, 53, & 66. Plaintiff alleges that, in April, May, and June 2002, the disposition of each hearing was overturned on appeal. *Id.* at ¶¶ 26, 37, 47, 60, & 72. For a more complete statement of Plaintiff's claims reference is made to the Complaint.

As to Plaintiff's Application to Proceed *In Forma Pauperis*, after reviewing the file, the Court finds that Plaintiff may properly proceed with this matter *in forma pauperis*.

WHEREFORE, it is hereby

ORDERED, that the Plaintiff's *In Forma Pauperis* Application is **granted**.² The Clerk shall issue Summonses and forward them, along with copies of the Complaint, to the United States Marshal for service upon the named Defendants, together with a copy of this Order; and it is further

ORDERED, that the Clerk shall provide the Superintendent of the facility designated by the Plaintiff as his current location with a copy of Plaintiff's authorization form, and notify the official that this action has been filed and that Plaintiff is required to pay the entire statutory filing fee of \$250.00 pursuant to 28 U.S.C. § 1915; and it is further

ORDERED, that the Clerk provide a copy of Plaintiff's authorization form to the Financial Deputy of the Clerk's Office; and it is further

ORDERED, that a response to Plaintiff's complaint be filed by the Defendants or their counsel as provided for in the Federal Rules of Civil Procedure after service of process on the Defendants; and it is further

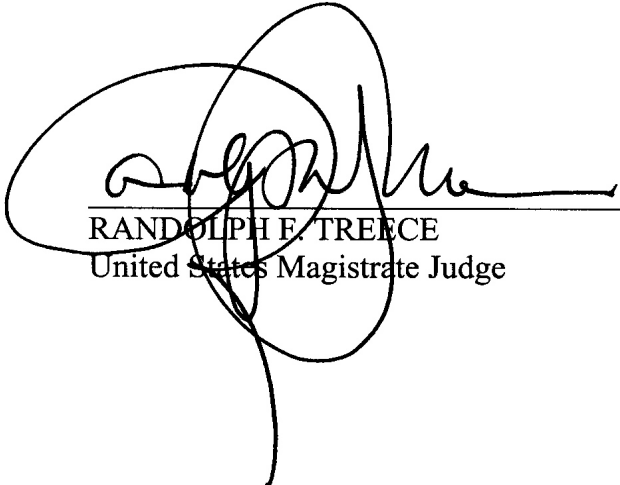
² Plaintiff should note that although the Application to Proceed *In Forma Pauperis* has been granted, Plaintiff will still be required to pay fees that he may incur in this action, including but not limited to copying and/or witness fees.

ORDERED, that all pleadings, motions and other documents relating to this action must bear the case number assigned to this action and be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true and correct copy of it was mailed to all opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a proper certificate of service will be returned, without processing.** Plaintiff must comply with requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in Plaintiff's address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the Court; and it is further

ORDERED, that the Clerk serve a copy of this Order on Plaintiff by regular mail.

SO ORDERED.

Date: May 20, 2005
Albany, New York



RANDOLPH E. TREECE
United States Magistrate Judge